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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fourteenth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 May 1996, at 3 p.m.

Chairperson: Mr. CEAUSU

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Initial report of El Salvador (continued) (E/1990/5/Add.25; E/C.12/1995/LQ.8; HRI/CORE/1/Add.34)

1. At the invitation of the Chairperson, Mr. Kellman and Ms. Escobar (El Salvador) resumed their places at the Committee table.

2. The CHAIRPERSON invited the Committee to continue its consideration of the report of El Salvador (E/1990/5/Add.25) and the delegation's replies to issues raised. He noted that the delegation had left pending its response to the oral questions on article 8.

3. Ms. ESCOBAR (El Salvador) said that her delegation had received from San Salvador some of the additional data requested concerning wages and population. That information had been distributed to members. A number of annexes had also been transmitted and should be read in conjunction with the report.

Article 11. Right to an adequate standard of living (issues 28-33)

4. Mr. KELLMAN (El Salvador) said that question 28 referred to the adverse effects of privatization on the most vulnerable groups, and on retired people especially. As part of the modernization process, the Government had engaged in a series of reforms of the public sector that had involved the elimination of several thousand jobs, many of them through early retirement. Those persons who left before retirement age received compensation based on the normal salary scale and would in addition draw their pension when it became due. Persons who lost their jobs were able to use their compensation money to engage in productive activities, such as the establishment of cooperatives. A number of special programmes had been set up to assist the most vulnerable groups, particularly in the areas of housing and education. Paragraph 206 of the report referred to the establishment of the National Public Housing Fund (FONAVIPO). The housing programmes for the poor instituted by FONAVIPO were coordinated among themselves and with the local authorities and enjoyed the participation of non-governmental and community organizations. Under the programme for municipal grants of land, once terms had been negotiated between the members of the community and the local authorities, funds were made available to finance the mapping of the settlement, the registration of plot ownership and the resettlement of the new householders.

5. With regard to education, priority was being given to decentralization and the promotion of participation by the community and by teachers. In 1994, 113,664 pupils had been enrolled in a new programme, the EDUCO Programme, which ran from kindergarten to sixth grade. Another programme, Escuelas Saludables (Healthy Schools), was specially directed at pupils in the most vulnerable rural and marginal urban areas. It aimed to satisfy their basic needs in regard to health, education and nutrition. The first stage of the

programme had reached 123 schools in 20 municipalities. In the second stage, in 1995, 1,400 schools in 35 municipalities had received assistance. The third stage, planned for 1997, would cover 100 per cent of the rural school population in 48 municipalities.

6. On the question of land allocation, he said that the annexes transmitted to the Chairperson contained a report by the United Nations Mission in El Salvador, (MINUSAL) regarding the number of land transfers in 1995 and the total since the signing of the Peace Agreement.

7. Mr. SIMMA said that, in question 33, the Committee had asked for information on the rental system, the protection of tenants and requirements for eviction. In its written reply, the delegation had provided comprehensive information on the legal situation. He would like to know what the situation was in practice.

8. Mr. TEXIER said that, of all the Peace Agreements, the agreement on land transfers had been the most difficult to implement and the most subject to delay. He asked whether it was now completely in effect or whether some land had still not been distributed. Regarding the situation of persons displaced by the conflict, he noted that many returnees had been reported as living in precarious and hastily built communities. He asked whether most of those persons had now returned to their place of origin and whether the planned resettlement programmes were being carried out.

9. Mrs. JIMENEZ BUTRAGUEÑO regretted that no statistics had been provided for housing and the provision of basic services. Many persons displaced by the conflict, especially among the indigenous population, were in a very bad situation in that regard. She asked whether anything had been done about implementation of the technical cooperation agreement with El Salvador that the High Commissioner for Human Rights had been asked to facilitate under Commission on Human Rights resolution 1994/62.

10. Mr. AHMED said that the Land Reform Plan initiated in 1980 differed from the land transfer programme that had begun with the new Peace Agreement. According to a report by the NGO Foodfirst Information and Action Network, however, neither was being fully carried out and many stumbling-blocks had been encountered. Under the 1980 Reform Plan, some 150,000 peasant families were to have benefited, but so far only 70,000 had been dealt with and the rest were still waiting. Thirteen years since the adoption of the Constitution and four years since the signing of the Peace Agreement, the Government and the organization established to put the Plan into effect had not carried out their constitutional mandate. The land transfer programme begun by the Peace Agreement envisaged the distribution of 140,000 hectares of land to 40,500 beneficiaries, comprising soldiers, former guerrillas, and tenants displaced from the former conflict zones. Four years later, only 70,000 hectares of land had been transferred to some 35,000 beneficiaries. Both programmes were lagging woefully and, according to a 1995 report of the Secretary-General of the United Nations to the General Assembly, there were definite indications that the delay was due to political factors, in particular the attitude of civil servants at the Land Bank (Banco de Tierras).

Clearly, there were important vested interests opposing agrarian reform and the land transfer programme. He believed that, without fair land distribution, the Peace Agreement would collapse.

Article 12. Right to physical and mental health (issues 34-37)

11. Mr. KELLMAN (El Salvador) said that the new information handed to members before the current meeting contained up-to-date figures for allocations from the national budget to the health, education and housing sectors, both in monetary terms and as a percentage of GDP. When he had first introduced the report, he had provided information on health policy and the development of the health system in terms of coverage and decentralization. With regard to coordination, he again drew attention to the inter-sectoral Healthy Schools programme, which he had mentioned under article 11.

12. Mr. AHMED said that, according to the Salvadoran Human Rights Commission, the situation with regard to health and housing was very poor. For example, 153,000 children were said to be underfed, the infant mortality rate was 46 per 1,000, 40 per cent of the urban population and 80 per cent of those in rural areas had no access to health services, there were three doctors for every 10,000 persons and one hospital bed for 766 persons. With regard to sanitation, 90 per cent of housing settlements had no sewerage, 60 per cent had no piped-water supply and 36 per cent were without electricity. He had quoted those figures because he wished the delegation to understand the Committee's deep concern at the state of health in El Salvador. The Committee hoped that it could be improved rapidly so that the situation could remain peaceful.

13. Mr. ADEKUOYE said that paragraph 241 of the report referred to an increase in rates of mortality from certain chronic diseases more usually associated with developed countries. He asked what steps the Government was taking to arrest the rise of mortality from those diseases.

14. Mr. KELLMAN (El Salvador), replying to questions raised, said that the health sector was being reformed and restructured, along with the entire public administration; the reform of the health sector was being carried out with the support of the World Bank and the International Monetary Fund. Poliomyelitis and diphtheria had been eradicated; the incidence of malaria had been reduced; the dengue fever epidemic had been controlled; the rabies vaccination campaign had led to a 50 per cent fall in rabies mortality in 1994; and child mortality was 41 per 1,000 live births.

Articles 13 and 14. Right to education (issues 38-44)

15. Mr. KELLMAN (El Salvador) referred the Committee to figures submitted by the delegation which revealed the relation between GDP and the education budget for the period 1989-1995. In 1995, educational, scientific and cultural reform programmes had flourished following the approval of a new law on education. Legislation drawn up in 1996 with the cooperation of the teaching profession had paved the way for reforming the entire curriculum, especially for the last few years of secondary education. New study programmes had also been published in 1996, and all teachers given further training. The educational reform process was a major governmental priority,

as revealed by the growth of the educational sector since 1984. A non-governmental Committee on Education, Science and Culture had been established and sufficient budgetary resources were being made available to ensure a high standard of education for all. Teachers, parents and students participated in a number of schemes, including the aforementioned EDUCO programme, which provided training in civic and human values. The results of such projects would only become apparent in the medium to long term.

16. He outlined the shortcomings in the educational system which had prompted reform. Until very recently, only 29 per cent of school-age children had progressed to the second cycle. Drop-out levels currently amounted to 13 per cent and 22 per cent in the first and second cycles of basic education respectively. Sixteen per cent of children did not have access to preschool education and there were no resources available for increasing coverage in rural areas. Admittedly, insufficient attention was being paid to primary, basic and medium education. A 10-year plan for 1995-2005 was being implemented with the aim of improving the quality and equity of the system of higher education and expanding educational services, with greater emphasis on ethical and human rights issues. One target was the reduction of illiteracy to 15 per cent. In 1995, 27 per cent of the population over the age of 15 had been illiterate. Only 40 per cent of four to six-year-olds currently attended school. The drop-out rate for 1995 had been 9 per cent; the aim was to reduce it to 5 per cent by 2005.

17. The Ministry of Education intended to increase overall schooling and expand the EDUCO programme to the sixth grade in rural areas. Since 1995, the programme had focused on providing access to primary education and the first grade of the basic cycle of education for 100,000 children. The Government hoped to guarantee that children who had first entered the system in 1992 would reach the sixth grade. Community and municipal educational programmes had been implemented with a view to improving monitoring of the EDUCO programme and making community schooling sustainable. There were plans to integrate the various levels within a single school and provide specialized education based on self-management methodology. Continual assessment would be used to monitor pupils' progress.

18. The armed forces and police were now receiving human rights training, especially on women's and children's rights. The Committee would be receiving details of the curriculum. A special unit in the armed forces had also been established with the aim of promulgating family values and the Family Code and hence curbing domestic violence.

19. Mrs. BONOAN-DANDAN complained of the dearth of information on teacher training. Similarly, the Committee was unable to gain a clear grasp of the type of university education provided in El Salvador from statistical evidence alone. Although the shortcomings in the education system had been well described in the documentation, the Committee would welcome more information on actual measures to address problems such as the poor quality of education, low teacher-to-pupil ratio, high drop-out rate and poor status of education in the eyes of parents. The Committee had merely been informed of theoretical objectives.

20. Mr. TEXIER pointed out that, according to NGO sources, the illiteracy rate was over 60 per cent in rural areas. He asked the Salvadoran delegation what specific measures were being implemented to reduce illiteracy. Although it was apparent from figures provided that the number of adults attending courses had doubled recently, the illiteracy rate was so high that it would take many years before the problem was solved.

21. In connection with government obligations under article 13, the figures provided seemed to indicate that as many as 90 per cent of 7 to 15-year-olds were attending school, despite the fact that the drop-out rate was very high. Could the delegation confirm the accuracy of the figures?

22. Statistics submitted in response to question 38 indicated a slight reduction in funding for education. Surely it ought to be increasing, given the high requirements in that sector and the decrease in the military budget following the signing of the Peace Agreement? The army had, after all, been reduced from 60,000 to 30,000 men. Additional funds must now be available for social purposes.

23. According to various NGOs, much structural damage had been inflicted on the University of El Salvador as a result of the armed conflict. In addition, the educational standard in 1992 had been very low compared to private universities accessible only to the more affluent. What specific measures was the Government planning to remedy the situation?

24. Mr. SIMMA reminded the delegation that questions 39 and 40 had required the figures to be disaggregated by sex in order that the Committee might understand how women fared with respect to men. He remained dissatisfied with the information supplied. The teachers' salary scale in colones provided in response to question 43 had no meaning for the Committee unless set against the cost of living. How, for example, did a teacher's salary compare with that of a civil servant?

25. The delegation's reply to the related question 24 on measures for addressing the critical situation of children had similarly been of little value. Passing reference had been made to an "American-style mega-project" which aimed to solve all El Salvador's youth problems at one fell swoop. No reference, however, had been made to its practical chances of success. Surely it would require an impossible level of funding? All too often, grand designs and fine legislation had been mentioned in lieu of meaningful answers to the Committee's questions.

26. Did the ProFamilia organization in El Salvador have problems of the kind it had encountered in Germany as a result of friction with Catholic Church authorities over its sex education and family-planning programmes?

27. Mr. GRISSA pointed out that in El Salvador, as was often the case, civil strife had resulted from the chasm between the affluent and poorer sectors of society, particularly in rural areas. Ethnic minorities were often the most neglected. What measures were being implemented to redress the social imbalance with a view to sustaining the peace? Education, in particular, was one of the most important levelling factors in any society.

28. Mr. THAPALIA requested that the statistics on the right to education should be disaggregated by sex, ethnic group and urbanization and rural areas. Did human rights form a part of the school syllabus at all levels?

29. Mrs. JIMENEZ BUTRAGUEÑO pointed out that under the 1992 Constitution 20 per cent of the national budget should be devoted to education. Of the annual figures supplied by the delegation, 14.94 per cent (1995) had been the highest. Might that discrepancy be due to inefficiency or administrative incompetence? She asked the delegation to explain why constitutional commitments were not being fulfilled and to specify what had happened to the unused proportion of the budget. Like Mr. Texier, she was concerned at the high cost of the armed forces. An army was necessary, but more funding should be devoted to the social budget, especially education.

30. Mr. KELLMAN (El Salvador), replying to questions concerning the right to education, said that his Government's figures for illiteracy were close to those of the Human Development Index, namely 22.7 per cent, rather than the much higher figure of 60 per cent put forward by non-governmental organizations. In El Salvador as a whole, the illiteracy rate ranged from 13 per cent in the capital to 47 per cent in the worst area. Regarding access to education, he said that, according to the 1992 census, some 28 per cent of Salvadorans over the age of 20 had had no education at all, while 38 per cent of those over the age of 14 had reached the sixth level of basic education; the figures for the rural population showed that some 40 per cent had had no schooling, while only 14 per cent had reached the sixth level. Despite the fact that basic education was both free and compulsory in El Salvador, it was still far from universal.

31. The Healthy Schools programme was now under way, with a good chance of being fully implemented; it aimed to improve the health, educational and nutritional standards of children at pre-primary and basic education levels in 132 of the most vulnerable rural areas and marginal urban areas. It provided medical, dental and psychological care, as well as dietary supplements of vitamin A and iron. The programme was coordinated by the National Secretariat for the Family with support from, among others, the Ministry of Health and Social Welfare, the Ministry of Education, the Secretariat for National Reconstruction, the Ministry of Works and the Executive Secretariat for the Environment. It sought to improve a range of educational services, with the participation of teachers, students, parents and the community, concentrating on teacher training, the provision of learning resources, curriculum development, educational therapy, environmental education, physical and mental health, and training in interpersonal behaviour and values.

32. Prior to the education reforms, there had been a problem with the financing of private universities and government grants for attending public universities. There was a lack of information regarding the efficiency of universities, but there had been a bill designed to ensure that they raised the quality of education provided.

33. As to teacher training, four modules had been established as part of the education reform, and following an evaluation of teacher training needs, a

national system had been drawn up and implemented for both pre-service and on-the-job training, and for performance appraisal, with career implications.

34. His Government was obliged to spend 6 per cent of the national budget on education. Current social expenditure as a whole represented 31.3 per cent of the national budget, and it was hoped that by 1999 that figure could be increased to 50 per cent by cutting the defence budget, which represented a high, though declining, proportion, and by making public and private sector savings.

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and protection of authors' rights (issue 45)

35. The CHAIRPERSON recalled that the Government's written report had omitted to provide information on article 15.

36. Mr. KELLMAN (El Salvador) referred to article 53 of the Constitution, which stated that the right to education and culture was inherent in every human being. The State was under an obligation to promote, develop and protect that right. On President Cristiani's initiative, a National Council for Culture and the Arts had been established comprising various independent departments covering all branches of the arts and including indigenous issues. In relation to article 15, paragraph 1 (c), of the Covenant he quoted article 53, paragraph 2, of the Constitution, which recognized artistic and intellectual property and pledged sponsorship for scientific research. President Cristiani had also established a National Council for Science and Technology.

37. Mr. SIMMA said he was puzzled by the Government of El Salvador's brief written response to question 45. It had merely sought to describe legislation enacted and conventions ratified. That was an unsatisfactory basis for meaningful discussion. The Committee's guidelines had been ignored.

38. Mrs. BONOAN-DANDAN agreed with Mr. Simma and expressed dissatisfaction at the fact that the delegation had merely quoted extracts from the Constitution. The Committee was thus unable to determine to what extent the Government of El Salvador had fulfilled its obligations under the Covenant. Since questions remained unanswered, there was little point in continuing to discuss article 15 at present.

39. The CHAIRPERSON, speaking in a personal capacity, also expressed his disappointment. He suggested that the Government might eventually be requested to submit a special report on article 15.

40. Mr. KELLMAN (El Salvador) regretted that his delegation had been unable to obtain the information that would have enabled it to reply to the Committee's additional questions concerning article 15. He undertook to supply it at a later stage.

41. He would add that the National Council for Culture and the Arts sponsored and financed community cultural events through cultural centres in cities and rural areas, awarded school prizes and offered secondary-school arts courses. With regard to intellectual property, El Salvador was a member of the World

Intellectual Property Organization (WIPO) and was a party to the relevant international treaties such as the Paris Convention for the Protection of Industrial Property, annex I to the Final Act of the Uruguay Round of Multilateral Trade Negotiations and the Universal Copyright Convention. Its Intellectual Property Development and Protection Act safeguarded copyright and established penalties for any violations.

Further replies relating to earlier articles of the Covenant

42. The CHAIRPERSON invited the delegation to provide the Committee with the more detailed information it had secured from San Salvador in reply to questions raised.

43. Ms. ESCOBAR (El Salvador) explained that because of the time difference and because of a national holiday in El Salvador, her delegation had unfortunately not been able to obtain much of the information it had hoped to receive.

44. Replying to the question regarding the Centre for Human Rights programme of technical assistance to her Government, she said that in 1995 the Commission on Human Rights had established criteria for putting an end to the public examination of the human rights situation in El Salvador and invited the High Commissioner for Human Rights to propose a technical cooperation agreement with El Salvador. After it had been asked to accept that agreement, her Government had prepared a technical assistance programme designed to strengthen its institutions for monitoring the promotion and protection of human rights. An initial meeting with officials from the Centre for Human Rights had been held in 1995, and the procedure for setting up the programme had been launched. The Centre had sent a mission to evaluate requirements and to establish what kind of programme would best serve El Salvador's needs. Given the proliferation of assistance to the country, her Government had been anxious to avoid duplication of projects in the field of human rights and was at pains to make the most of the technical assistance which it so badly needed. A number of institutions had been targeted, among them the Ministry of Justice and the National Secretariat for the Family. The programme was on the point of being finalized. In January 1996, she had herself had a meeting in El Salvador with the various targeted institutions in order to clarify their specific requirements.

45. Mr. KELLMAN (El Salvador), referring to the agrarian reform programme (question 13), on which his delegation had spoken at length at an earlier meeting, said that recent reports by the United Nations Mission in El Salvador (MINUSAL) gave full information on the number of lots that had been transferred, the number of acres they covered and the number of beneficiaries. According to MINUSAL, to date 24,266 former FMLN combatants had been beneficiaries of land transfers as against 7,753 former army combatants, giving a total of 32,019 beneficiaries. The Government was currently investigating allegations that the funding of land transfers was not being administered equitably by the Land Bank, and was trying to deal with the problem.

46. As to the imprisonment of workers for taking part in strikes, referred to in question 14, the Labour Code (Title III), governed all collective disputes.

47. Referring to question 18, he said there were approximately 20,000 workers employed in assembly plants in the free-trade zones, according to 1996 figures from the Ministry of Economic Affairs. In 1991, they had been receiving the minimum wage, or approximately $1,600 a year. They also received: social security benefits, depending on their experience and length of employment, ranging from $1,550 to $3,700 a year, towards which the employer contributed 10 per cent; housing subsidies ranging from approximately $50 to $110 annually, to which the employer contributed 3 per cent; birth bonuses; 15 days of annual paid vacation, to which employers contributed 30 per cent. All those benefits amounted to between approximately $1,800 and $4,000 per employee. The assembly plant employees worked a 44-hour week.

48. On the question of trade union rights, he said that unions could be dissolved by the courts under articles 130-132 of the Labour Code when they acted illegally, when their membership fell below a certain level, and when so decided by their own members in accordance with their statutes. The structure of trade unions was set out in articles 120 and 121 of the Labour Code: they comprised an assembly and an executive, subdivided into sections and subsections. The functions of unions were dealt with in articles 125 and 126.

49. Regarding labour disputes, article 480 of the Labour Code mandated a three-stage procedure: direct negotiation between employers and workers, followed by arbitration, followed by strike or stoppage as a last resort.

50. The CHAIRPERSON, speaking in a personal capacity and supported by Mr. TEXIER, observed that the Committee was not interested in yet another theoretical recital of the laws on the matter but in direct answers to the questions raised by various members on specific points, such as obstacles to the organizing of trade unions in the free-trade zones, lockouts, the dissolution of trade unions by the Government and the like. If it did not have the available data, the delegation could answer in writing at a later time.

51. Mr. ADEKUOYE asked who organized the direct negotiations just referred to and whether the arbitration in the second stage was compulsory or voluntary.

52. Mr. KELLMAN (El Salvador) said that conciliation negotiations could be set up by the parties themselves, by the Ministry of Labour or even by a third party, such as the Ministry of Education. Arbitration was an administrative procedure and as such was not binding, but either party could take the arbitration decision to court if it disagreed with it; the court's ruling then became binding. With regard to the alleged prevention of unionization by assembly plant workers in the free-trade zones, the Legislative Assembly, acting on complaints from 10 such plants, had set up a special commission to look into the situation by interviewing all parties concerned, but the delegation had no further information at the moment.

53. With regard to violence within the family (question 27), he said that the Government in March 1995 had set up a programme to promote better family relations involving formal cooperation between the National Secretariat for the Family, the Ministry of Health, the Supreme Court, the Ministry of Public Safety, the police force, a major hospital, the Office of the Attorney General, the Office of the Prosecutor-General, the Office of the

Mayor of San Salvador, the Salvadoran Institute for the Protection of Minors, and the "Telefono Amigo" programme. The latter provided a 24-hour telephone-alert service to dispatch assistance to troubled families, through multidisciplinary teams organized by the various institutions cited, which provided psychological, legal, social or medical help. The Government had also set up special training centres for women to make them aware of their rights, and the Salvadoran Institute for the Advancement of Women ran a centre in support of government policies on women. There were plans to build a special hostel for battered women, in cooperation with the Office of the Mayor of San Salvador. It would be equipped to give regular psychological help to the victims of family violence.

54. Mr. SIMMA reminded the Committee that he had requested figures for teachers' salaries. How did they compare with the salaries of other civil servants?

55. Mr. KELLMAN (El Salvador) said that at the current rate of exchange of 8.78 colones to the United States dollar, a category 13 teacher was paid US$ 355.92 per month. A category 1 teacher at the lowest end of the scale received US$ 239. The minimum wage was US$ 131. His Government hoped that as a result of its educational reform programme it would be possible to pay teachers more.

56. Mrs. JIMENEZ BUTRAGUEÑO and Mr. ALVAREZ VITA said it would have been much more helpful if some comparison with the salaries of civil servants at similar levels had been given.

57. The CHAIRPERSON thanked the delegation of El Salvador for its replies and for its contribution to the useful exchange of views.

The meeting rose at 6.05 p.m.